

IN SENATE, APRIL 4, 1850.

[illegible]

to make special acknowledgment of the extraordinary intellectual powers of the honorable Senator from Massachusetts; they are known to us all, and to the civilized world. Yet I suppose that I may be allowed to congratulate myself that he has been in this instance not a little foreseeing and sagacious, and that he has not had any thing in reply to what I have already said which it is not abundantly easy for me to answer.

And, first, as to the allusion of the honorable Senator to a prophecy that he supposes me to have uttered a few weeks since, that he says most signally failed of verification, I would say that I never uttered such a prophecy when once in the Senate; therefore I explained this matter in my previous speech, and the circumstances connected with this suggested failure of verification, he would, I am sure, have never thought of indulging in tisturn for factiousness as he has been pleased to do. Why, sir, what were the actual facts? I declared here, on a particular day of our session, that if certain occurrences should take place in the future in other respects, I would seriously consider that the questions, then as now the subject of zealous controversy among us, would be found to have left our jurisdiction forever. And what did I mean by this? Why, simply that if a resolution for the separate admission of California should be forced through the House by certain votes, and the Senate should refuse to concur in it (judging, as I understood, the displacement of the Speaker from his office and apprehended serious strife as inevitably consequent thereupon; very clearly intimating that such a course of proceeding would be, in all probability, recognised as *revolutionary* in its character, and as such justifying a resort to extreme measures of prevention. Well, this resolution was withdrawn; a bill was introduced in relation to the same subject, and the question through the House; the vote was put; measures anticipated were not resorted to, and the evil consequences which I predicted as likely to result from their enforcement were not realized. In other words, to the credit of all concerned, kind and honest counsels prevailed, and the country was saved from a collision of energies and passions, which might have done serious might have been easily anticipated. My prophecy, as is called, was saved upon a contingency which did not arise; and, therefore, happily for the Republic, its verification was not in point of fact realized. So much for the prophecy. The honorable Senator will, I think, hardly derive any important advantage in the controversy which has so accidentally arisen from the fact that I uttered such a prophecy. I understand the honorable Senator from Massachusetts to say that he does not at all fear the dissolution of the Union upon the questions now pending. Well, sir, I understood him to speak quite differently a few days since. When he made his celebrated speech in this chamber several weeks ago, I understood he regarded the Union as involved in danger most serious, and I am sure that he would have awarded him great credit for interfering as he did, so seasonably and so efficiently for its rescue. I fear that he will somewhat impair his own glory if he shall succeed in proving that, after all, the dangers which he so valiantly combated, were only imaginary. Let me assure him most solemnly that the danger which he has so earnestly combated, is not a speech, but that, if his present proposition should be carried out, it will be in still greater danger. The admission of California, *per se*, as he styles it, would awaken a feeling of chagrin, of irritation, and of flaming indignation throughout the whole South, which, in my judgment, would make all future attempts of adjustment hopeless, and inevitably bring upon us the evils which it has been the generous ambition of the honorable Senator from Massachusetts to ward off and prevent. I beseech him to pause in his career, if he does not desire, instead by being recognised as the defender and preserver of the Union, to be regarded as its enemy and its destroyer.

The honorable gentleman says that it is sufficient for the Senate to pay due regard to its own course of proceeding. Without looking to what is likely to occur in the co-ordinate branch of the National Legislature. With due deference, I must suggest to the honorable gentleman that he does not speak *constitutionally* on this point. In my judgment we should but poorly perform our duty here, if we did not look to the consequences which would arise from acts, either more or proximate. The two houses of Congress are all co-ordinate and not legislative body. We can do nothing in the way of legislation without the aid of the other House; and we are bound, as judicious legislators, so to frame the propositions which we submit to those who perform the law-making function in connexion with us, though in the other wing of the Capitol, that we may not be exposed to the charge of having effected reform. We should indeed be most unprofitably employed in devising measures here, and imparting to them the Senatorial sanction, which we are bound to know will never become a part of the law of the land.

As the honorable Senator from Massachusetts has not yet made any statement in the arguments adduced in relation to the Senate in opposition to the measure of the admission of California, as a separate and distinct measure, and anterior to the settlement of the territorial question, I will not detain the Senate with a more extended notice of his remarks.

**LAW OF THE UNITED STATES.**  
**PUBLIC ACTS.**  
**Passed at this Public Session Thirty-first Congress.**

**PUBLIC—No. 3.**  
AN ACT to carry into effect the convention between the United States and the Emperor of Brazil, of the twenty-seventh day of January, one thousand eight hundred and forty-nine.

*Enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That the President of the United States, by and with the advice and consent of the Senate, shall appoint the commissioner whose duty it shall be to receive, examine, and decide upon all such claims as may be presented to him under the stipulations of the Convention between the United States and the Emperor of Brazil, concluded at Rio de Janeiro the twenty-seventh day of January, in the year one thousand eight hundred and forty-nine, and the stipulations of the said Convention, and the principles of justice and equity, the law of nations, and the stipulations of the said convention. And there shall also be appointed by the President, by and with the advice and consent of the Senate, a clerk to assist under the commissioner in the performance of the duties prescribed by this act. And the commissioner and clerk shall, before entering on their offices, severally take an oath well and faithfully to perform the duties thereof.

*Sec. 2. And be it further enacted,* That the said commissioner shall be and he is hereby authorized to make all needful rules and regulations, not contravening the laws for the land, or the provisions of the said convention, or this act, for the carrying into effect of the said convention.

*Sec. 3. And be it further enacted,* That all records, documents, or other papers which now are, or in hereafter, during the continuance of this commission, may come into the possession of the said commissioner, or his clerk, or of the said claims shall be delivered to the commissioner aforesaid.

*Sec. 4. And be it further enacted,* That the commissioner to be appointed under this act shall forthwith, after his appointment, proceed to the city of Washington, and in such other newspapers as he may deem proper, publish a notice of his appointment to examine and decide the said claims, and requiring the claimants to produce their claims and evidence; and when the said claims are presented, he shall proceed, with all convenient speed, to receive and examine the same, and to make relating thereto allowing time for the production of additional evidence as he shall consider reasonable and just; and thereafter shall decide the same, and award the ratable proportions of the principal of the said claims, and the interest thereon to be received under the stipulations of the convention aforesaid, and within one year from the time of the attendance of the said commissioner in the city of Washington, and organizing the said commission, he shall complete and terminate the duties of the said commission.

*Sec. 5. And be it further enacted,* That the Secretary of the Treasury shall cause the moneys and interest thereon, payable by the United States to the claimants under the said convention to be duly received from the Imperial Government of Brazil, and transferred to the United States in such manner as he may deem most advantageous and best, and the nett proceeds therefrom shall be paid to the claimants in such manner as he may deem proper, and the Secretary of the Treasury shall be authorized to appropriate to pay the awards in favor of the claimants herein provided for.

*Sec. 6. And be it further enacted,* That, on the termination of the said Convention, the Secretary of the Treasury shall report to the Secretary of State a list of the awards made by him; a certified copy of which shall be transmitted by the Secretary of State to the Secretary of the Treasury, who shall, from time to time, cause the said awards to be paid to the claimants in proportion to the whole amount received, first deducting the proportion of money as may be due to the United States from persons in whose favor the awards shall be made. And the Secretary of the Treasury shall be authorized to issue, in such form as he shall prescribe, showing the proportion of the whole claimant may be entitled of the amount to be received; and on the presentation of the said certificates at the Treasury, as the Secretary of the Treasury may deem proper, under the convention and this act may be received the principal of the said claims shall be paid to the legal holders of the said certificates.

*Sec. 7. And be it further enacted,* That the compensation of the said commissioner shall be as follows: To the said commissioner at the rate of three thousand dollars per annum, to commence from the time of the attendance of the commissioner in the city of Washington, and to be paid out of any moneys in the Treasury otherwise appropriated; and the President of the United States shall be and he is hereby authorized to make such provision for the contingent expenses of the commission as he may deem proper.

*Sec. 8. And be it further enacted,* That so soon as the said certificate shall be executed and completed, the records, documents, and other papers relating to the claims in the possession of the said commissioner, or his clerk, shall be deposited in the office of the Secretary of State.

*Sec. 9. And be it further enacted,* That this shall commence and be in force on the first day of March, 1850.

Approved, March 29, 1850.

**CADWELL, JAMES,**  
Corner of Federal and Second streets, 3d story.  
New York, N. Y.

"Liberty and Union, now and forever, one  
and inseparable."

SATURDAY, APRIL 6, 1850.

FURTHER VIEWS OF THE PROPOSED CON-  
VENTION OF THE SOUTH AT NASHVILLE.

Through the Washington correspondence of a New York paper (the Tribune) the light afforded by the following extract is shed upon the objects of the Nashville Convention:

"Through a Southern member of Congress I have ascertained what was anticipated by the action of the contemplated Nashville Convention. . . . and I assert most positively that the leaders of this scheme design proposing amendments to the Constitution as the only alternative to present a separation of the States. Those amendments are of that nature as to restore and preserve for the future the equilibrium so much talked of by Mr. Calhoun in his last speech. One was to provide that whenever a Free State was admitted into the Union a Slave State should also come in with it. Another contemplated amendment is, that the Vice President should be taken alternately from a Slave and a Free State. And a third, that in all legislation touching or affecting the question of slavery, such legislation, before it shall become positive enactment, shall be officially approved by the Vice President as well as the President, or, in other words, that a wide distinction should be made on behalf of all legislation tending to perpetuate and propagate slavery, and that its advocates should receive benefits and privileges not extended towards any other species of legislation in the country. *These amendments are to be recommended by this Nashville Convention as the ultimatum of those who will have the management and control of its deliberations; and, if not accepted by the Free States, then to favor and advocate disunion.*"

This statement may be supposed to include the opinion of at least one member of Congress who favors the scheme of a Southern Convention. The proffered alternative proposition (embracing three distinct and substantive changes in the Constitution) being known to be impossible, the sole practicable object of the Convention is, therefore, in one word, according to the above statement, DISUNION.

This object has been avowed, in other ways, having even more the air of genuine revelations of the object of the Conventionists than the foregoing. We need not here repeat the disclosures contained in the Address of the Mississippi Convention to the People of the South, after which the Resolutions of the Legislature of Virginia were draughted; the expositions in certain Southern newspapers; the published declarations of a few distinguished men in Georgia and Alabama; and the many evidences of affiliation and concert among the instigators of the Convention in every State in which a head of the Hydra has sprung up. These indications are of too recent date not to be familiarly remembered by all of our readers; and, taken in connexion with others not before referred to, confess the disorganizing and anarchical purposes of some of the advocates of the Nashville Convention. Were these purposes and objects avowed with equal frankness by all who entertain them, there is in the body of the People of the South a loyalty of heart and a justness of perception of their own true interest in all this matter, which would at once, and with nearly unanimous voice, pronounce sentence of reprobation on this Convention scheme. But the objects of the Convention are, in some of the States, so smothered up in abstractions, so colored and disguised by false pretences, that it is difficult to discover from the ostensible demonstrations what they really are.

As a sample of the notions entertained on this subject by some of the graduates in the School of State Rights—who would in the name of that school sanctify as rights the most flagrant of political wrongs, including slavery, when committed under assumed authority by the States of the Union severally—we are tempted to place before our readers the following extracts from an article published last week in the *Richmond Enquirer*; which article, we must premise, is endorsed by the paper from which we copy it as being "from a gentleman not unknown to fame in the last Presidential canvass;—" one whose views " tally with those of Governor Floyd [of Virginia] and merit close attention." The italics, capitals, small capitals, and all of these extracts, we must further premise, are literally copied as we find them in the original.

*Extracts from an article in the Richmond  
Enquirer.*

TO THE PEOPLE OF THE SOUTH.

The critical state of our national affairs, and the obnoxious determination of the Northern fanatics to persist in their mad career, forces upon us the necessity of a new Union, yet it is not to be too hastily proposed, and it is not to be too hastily accepted, for these things are repeated, outrageous, and daring aggressions upon her constitutional rights—aggressions which aim to destroy her independence and make her a mere tributary to build up Northern influence, power, commerce, and wealth, at her expense and degradation.

I have reflected seriously, though unpleasantly upon this question, and I have proposed a plan to meet the dangers that threaten it, which, I think, is not only constitutional, but just in its nature, and will be effectual in its operations. It does not involve a withdrawal from the Union. *The constitution guarantees the right and the means to meet all such difficulties arising from palpable violations or infractions of that instrument within the Union.* If it be the case, as it is, that the States are not to be bound to redress our wrongs, and these rights and measures must be exercised concordantly with the extent and violence of these usurpations and aggressions, and the dangers with which we are thereby menaced.

The course I would suggest should be a *united one*, although a single State could adopt it in equal justice, yet it would not be fully met, and would not be successful. It is, then, simply a COMBINED DECLARATION by the Southern States, that such and such Northern States, by their total disregard of the FEDERAL COMPACT, their aggravated infractions of the provisions of that instrument, and their violent aggression upon the constitutional rights of the Southern States, HAVE THEREBY FORFEITED ALL THE RIGHTS, PRIVILEGES, AND BENEFITS, WHICH THEY ENJOYED AS PARTIES TO THE SAME, AND CANNOT, THEREFORE, BE ANY LONGER RECOGNISED AS PARTIES TO THE SAME.

Here is the exercise of a plain constitutional right, because it is reserved as such by each State, as one of the fundamental articles of sovereignty, the right to judge for itself of the violations or infractions of the compact by any one or more of the parties to it.

All know the nature of the *Wilmut Proviso*. It is to deprive the citizens of the Southern States of those rights, benefits, and privileges which they equally claim in the Territories as the common property of all the States: the abolition of slavery and the slave trade in the District of Columbia, and the joint contract, and their determination, so plainly manifested, obstinately to continue them, leave the South no other alternative but to adopt such measures of SELF-PRESERVATION and DEFENCE as right and justice demand.

This measure, or mode, is already suggested: STAND BY THE CONSTITUTION; and the Slave or States which are determined to persist in their course, and to resist the exercise of power by Congress nowhere to be found among the granted powers, and directly conflicting with the constitutional rights of the South.

ALL THESE REPEATED OUTRAGES AND INSULTS ARE PARADING ATTEMPTS of the Northern States upon the rights of the South, IN OPEN DISREGARD OF THE COMPACT OF THE FUNDAMENTAL ARTICLES OF SOVEREIGNTY, and their determination, so plainly manifested, obstinately to continue them, leave the South no other alternative but to adopt such measures of SELF-PRESERVATION and DEFENCE as right and justice demand.

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posed, for the extrusion of obnoxious States without departing themselves from the Union, or releasing themselves from the obligations which each State is under, whilst in the Union, to treat each other State as its equal, endowed with equal rights, and subject to equal duties and responsibilities with itself. In sum and substance, this article is neither more nor less than *Nullification redivivus*. No reader can resist the conclusion that the author of the above article, and all those who concur in his views, are the inheritors of that doctrine, dead and buried so many years ago that its brief existence is hardly remembered at the present day, unless by the surviving pall-bearers and chief-mourners at its funeral. The whole doctrine of Nullification (including that of *peaceable secession*) is compressed in a nutshell, as the reader will perceive, in the fourth short paragraph of the preceding quotation. If the production of such doctrines and such arguments as are comprised in these paragraphs taken together, endorsed by the Virginia organ of the Conventionists, do not remove all doubt from the minds of the Virginians themselves of the real object of the proposed Southern Convention, or Confederacy, they would not believe were one to rise from the dead and proclaim it.

If no other objection had before presented itself to the convocation of the Nashville Convention, the promulgation, by authority, of this new programme, is of itself enough to establish the absurdity and the danger of sending uninstructed Delegates to Nashville, on a mission the more to be distrusted because of its vagueness, and of the concealment practised by its projectors concerning its objects. Of these nothing is definitely known: every thing about them is involved in mystery. Were there not good reason to distrust the intentions of some of those who favor the project, it would of itself be a conclusive objection to it that their intentions are not certainly known.

Our respected contemporary, the Editor of the *Richmond Whig*, has persuaded himself, we are sorry to see, into the belief that no harm can ensue from the city of Richmond's appointing Delegates to the Nashville Convention, for the reason that, "if they should, when they reach the scene of action, find that other objects than the preservation of the Union and the protection of the rights of the South are contemplated, *they can withdraw*." Certainly they can. But will they? What security have the People of Richmond that they will do so? We very much doubt whether those who can be induced to go there will withdraw from the Convention under any circumstances. But, if they should, what other effect could their withdrawal have but to leave the Disunionists to act out their play without interruption? When (by your assistance, O, Virginians!) the first step towards the *establishing a Southern Confederacy* is taken, it can never be retraced. Your State Legislature has already committed the State, beyond retreat, should it take the *first step*, to go as far in "the road to ruin" as he that will go farther. Did the "Whig" ever hear of a *Revolution* retrograding? Once begun, those who engage in it have no option but to fight for their lives, or be hung as traitors. The latter fate has indeed already been openly denounced, in one of the papers of the South, as the lot of any man who dare to stand up, in its neighborhood, for the Union, against the Disorganizers.

But, were the intentions of the authors of this project such as Angels might avow, and its objects such as Infinite Perfection might smile upon, still there would be danger in such a Convention, the members of which would be without any other known community of feeling than a purely sectional one. Under the influence of that feeling, there would be much for the friends of the Union to apprehend from its action. Our readers have already been warned by us of the danger of such a Convention being surprised into the adoption of some measure which, until the moment of its being promulgated, had never entered into their thoughts. An excited Convention of Delegates is subject to the same influences as an excited populace. It is composed of different materials, to be sure, and would probably comprise a much larger proportion of learning and intelligence than an ordinary popular gathering of equal numbers. But the Nashville Convention could not be expected to be exempt from the passions and weaknesses of humanity.

Should that Convention ever assemble, discontent with the existing Government of the Union will be the motive power of its machinery. Remedies known to the Constitution, and within their reach, its members will have already disclaimed. "Violent remedies," to use the language of the Virginia oracle, were to be resorted to, and to devise these remedies—perchance to apply them—this Nashville Convention will have assembled. In whatever manner it may be effected—by a dissolution of the Union in form, or by an equivalent violation of its objects—essential *change* in the Government of the Union is the only thing that can meet the requirements of such of those malcontents as have frankly avowed their purposes.

What is to prevent the Delegate, who has a new form of government ready prepared, from starting up and putting it to the vote of the gathered Delegates, even before their having adopted any forms of proceeding? Revolutions in government are not accomplished by elaborate reports of committees, or by the passage of ordinances through their first, second, and third readings, with intervening hour speeches by each member of the Convention. No, no; revolution is by its nature an irregular and sudden movement, and is quite as often the result of accident or surprise as of reflection, deliberation, and combination.

An incident of quite recent history, in the old world, most forcibly illustrates the nature of Revolutions, sprung suddenly upon popular assemblies, and instantaneously effected through the instrumentality of panic fear and dumb surprise. We refer of course to the French Revolution of February, 1848. Of this incident a graphic account is given by LAMARTINE, one of the principal actors in the scene, in his Memoir, entitled *Trois mois au pouvoir*, (Three months in power,) addressed to his late constituents upon the occasion of his retirement from his position in the Provisional Government; which we have had translated as a practical lesson to theoretical Revolutionists; and an instructive chapter for all readers. To the charge of ambition (in reference to his share in the Revolution) Mr. LAMARTINE replies, in his own eloquent French, feebly rendered in our own tongue, as follows:

"The Revolution of February surprised me, as it did every body. The Republican system, as